

I am opposed to Senate Bill 2603 (S 2603) which adds an "established business relationship" to the prohibition to unsolicited advertisement facsimiles and which exempts non-profits from liability. The FCC should not be swayed by the fact that S 2603 is pending.

"Established business relationship" is not well defined by the proposed exemption so any type of business relationship could be interpreted by a Judge to fall under the exception. For example, just shopping at Walmart could be construed to create an "established business relationship" with canned soup makers, clothes manufacturers, hair care suppliers, body care suppliers and make-up product manufactures. Any wholesaler or product component supplier for those purchased products such as the food color manufacturer or the rubber maker could also be interpreted as having a "relationship" with all of those component manufacturers.

Any purchases made by your family members could also be interpreted as creating a "business relationship". This is not so far fetched, recently during depositions a men's suit retailer's junk fax defense lawyer asked my clients questions regarding their wives and children's shopping at that brand name of Mens store!

Giving non-profits an exemption is also very bad. It would only encourage junk faxers to con a non-profit group or church into sponsoring an event or product being sold and include the non-profit on the junk faxes. If I am going to spend 10 cents of my paper and toner and electricity free use of my fax machine as a printing press I prefer to pick what causes and non-profits I want to contribute to and not have them use my fax machine to commadeer a "donation"....

The only way to stop these thousands of junk faxes is to implement the written requirement scheduled to take effect in January of 2005.. Joseph Compoli